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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,931	06/29/2005	Iturgoyen Sabando	001058.00021	3370

27557 7590 01/03/2007  
BLANK ROME LLP  
600 NEW HAMPSHIRE AVENUE, N.W.  
WASHINGTON, DC 20037

EXAMINER
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KEE, FANNIE C

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/540,931

Applicant(s)

SABANDO ET AL.

Examiner

Fannie C. Kee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20050629.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because:
  - in Figure 8, reference elements “61” and “63” appear to be reversed as each appears to be pointing at the wrong structural element.
  - in Figures 9 and 10, reference element “52” should be --53--.
  - in Figure 11, reference elements “52” and “53” appear to be reversed.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “65” has been used to designate both a gasket (page 5, lines 23-24) and the end of the female member (page 5, line 34).
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “66” has been used to designate both a gasket (page 5, lines 23-24) and the end of the female member (page 5, line 34).
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

5. The abstract of the disclosure is objected to because of minor grammatical matters, i.e., replace "quickly and effectively coupling a first.." in line 1 to --quick and effective coupling of a first--.

Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

- Page 1, line 18 – replace "to be necessary designing" to --necessary to design--.
- Page 5, lines 23-24 and 34 – reference elements "65" and "66" have been used to describe both the ends of the female member and the gaskets.

Correction is required.

***Claim Objections***

7. Claim 1 is objected to because of the following informalities: add an --s-- to the end of the word "protrusions" in line 14.

Correction is required.

8. With regard to claims 1 and 2, deletion of references to drawing elements numbers is suggested.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lacks a transitional phrase, such as comprising of or consisting of, which renders the claim indefinite as it is not clear where the preamble ends and where the structure begins in claim 1. Therefore, it is unclear what Applicant is trying to claim as the invention. The present understanding of claim 1 is that it claims the end of a first duct, the end of a second duct, a circumferential groove in the second duct and outer protrusions in the first duct. It should be noted that it does not appear as though a fastening clip or sealing gaskets are being claimed in claim 1. Is this present understanding of claim 1 correct? Claim 1 should be rewritten such that

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the preamble and the structure of the invention are separated so it can be readily understood what Applicant is trying to claim as the invention.

***Claim Rejections - 35 USC § 102***

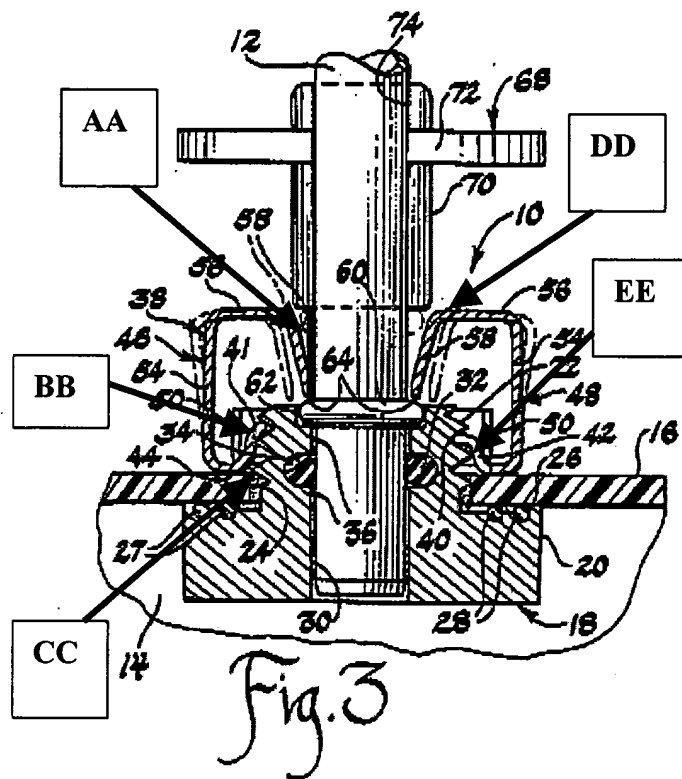
11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Beamer U.S. Patent No. 4,756,558.

With regard to claim 1, and as shown in Figure 3 below, Beamer discloses a quick connecting device for ducts in motor vehicles intended for quick connecting the end of a first duct 18 to the end of a second duct 12, said one end of said first duct being adapted for snugly receiving a fastening clip 38 intended to hold axially in place the ends of both ducts, the outer surface of the end of said second duct being adapted for being housed inside the end of said first duct and said end having a circumferential groove AA in the outer surface thereof, characterized in that, when assembled, the end of the first duct is adapted to extend outward to said end of said second duct without covering said circumferential groove thereof, the surface of the end of said first duct having outer protrusions BB, CC defining respective inner recesses adapted for receiving sealing gaskets.



With regard to claim 2, Beamer discloses that the fastening clip is provided with two substantially U- shaped coupling members, one DD of which being fitted into said circumferential groove of the end of said second duct and the other one EE being fitted into the groove defined between said outer protrusions of the end of said first duct.

### Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie C. Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Fannie C. Kee  
December 22, 2006



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